

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|--|---------------------------|--|------------------------------------|---------------------------------|
| Investigator: Kara Hughes | Team: Team # 4 | CCRB Case #: 200306684 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Friday, 08/08/2003 11:15 PM | Location of Incident: Southern Blvd between Westchester Avenue and Hunt's Point Avenue, the Bronx | Precinct: 41 | 18 Mo. SOL 2/8/2005 | EO SOL 2/8/2005 | |
| Date/Time CV Reported Tue, 09/02/2003 11:30 AM | CV Reported At: CCRB | How CV Reported: Mail | Date/Time Received at CCRB Tue, 09/02/2003 11:30 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------|--------|--------|---------|
| 1. POM Joseph Stynes | 20088 | 919759 | PBBX AC |
| 2. DTS Juan Jaime | 06586 | 884084 | PBBX AC |
| 3. CPT Dermot Shea | 00000 | 899846 | PBBX |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-----------------------|-----------|--------|----------|
| 1. SGT Peter Fiorillo | 02821 | 904789 | PBBX AC |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.CPT Dermot Shea | Abuse: Captain Dermot Shea stopped § 87(2)(b) vehicle. | |
| B.POM Joseph Stynes | Abuse: Police Officer Joseph Stynes frisked § 87(2)(b) | |
| C.CPT Dermot Shea | Abuse: Captain Dermot Shea frisked § 87(2)(b) | |
| D.DTS Juan Jaime | Abuse: Detective Juan Jaime frisked § 87(2)(b) | |
| E.CPT Dermot Shea | Abuse: Captain Dermot Shea searched § 87(2)(b) vehicle. | |
| § 87(4-b), § 87(2)(g) | § 87(4-b), § 87(2)(g) | |

Synopsis

On August 8, 2003, four plainclothes male officers stopped § 87(2)(b) car on Southern Boulevard within the confines of the 41st Precinct (*allegation a*). § 87(2)(b) and his two passengers, (complainant) § 87(2)(b) and § 87(2)(b) were eventually made to exit the vehicle. § 87(2)(b) was frisked (*allegation b*) as were § 87(2)(b) (*allegation c*) and § 87(2)(b) (*allegation d*). § 87(2)(b) vehicle was also searched (*allegation e*). § 87(4-b) § 87(2)(g)

The Patrol Borough Bronx Anti-Crime team consisting of Capt. Dermot Shea, Sgt. Peter Fiorillo, Det. Juan Jaime and PO Joseph Stynes was identified as having interacted with § 87(2)(b) and his passengers. § 87(2)(g)

When interviewed, none of the officers recalled stopping § 87(2)(b) vehicle. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b) filed a civilian complaint on August 28, 2003 regarding a car stop that occurred on August 8, 2003 (*enc. 8a-b*). On his original complaint report (*enc. 7a-b*), § 87(2)(b) narrative states that he and two friends (driver § 87(2)(b) and back seat passenger § 87(2)(b)) were stopped by a team of four plainclothes (male) officers on Southern Boulevard in the Bronx. § 87(2)(b) described the officers' vehicle as an unmarked Chevrolet Caprice with license plate number § 87(2)(e), § 87(2)(f). The officers pulled § 87(2)(b) vehicle over and requested that each of the three men provide identification and exit the vehicle. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were each frisked and § 87(2)(b) vehicle was searched. Ultimately, § 87(2)(b) and his friends were permitted to leave the location: no one was arrested or issued summonses as a result of this incident.

CCRB interview — § 87(2)(b)

§ 87(2)(b) a Pennsylvania resident who works in New York City, was interviewed on September 11, 2003 about this incident when he reiterated the basic details he provided in his complaint narrative. At approximately 11:15 PM on August 8, 2003, § 87(2)(b) pulled his gray 1989 Mitsubishi Galant over on Southern Boulevard between Westchester and Hunts Point Avenues. Four male officers in plainclothes then exited their unmarked car, three of whom approached § 87(2)(b) vehicle. PO #1 (*later identified in a photo array session as PO Joseph Stynes*) was described as having a mustache and goatee; PO #2 (*later identified as Capt. Dermot Shea*) as a slim 6'0" officer with "short blonde hair and light eyes;" no specific description was provided for either PO #3 (*identified as Det. Juan Jaime, who spoke with § 87(2)(b)*) or PO #4 (*identified as Sgt. Peter Fiorillo, who remained alongside of the officer's vehicle*).

PO Stynes told § 87(2)(b) that he had been driving at an "excess[ive] speed" which prompted § 87(2)(b) to ask for a radar device read-out to reflect his previous speed. While PO Stynes asked § 87(2)(b) if he was giving him a "hard time," Capt. Shea requested that § 87(2)(b) roll down his (front passenger-side) window. PO Stynes asked § 87(2)(b) if he and his friends had been "zipping." § 87(2)(b)

§ 87(2)(b) informed the officer that he was unfamiliar with such a term. PO Stynes replied, “it’s common street terminology” but did not provide a definition. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were all asked to provide proof of identification – § 87(2)(b) was also asked for his vehicle’s registration. § 87(2)(b) gave Capt. Shea a photo identification card issued by § 87(2)(b).

Along with his driver’s license, § 87(2)(b) also gave the officers a Patrolmen’s Benevolent Association (PBA) card. The officers then stepped away from § 87(2)(b)’ car with the identifications in hand.

When the officers returned with the identifications, § 87(2)(b), § 87(2)(b) and § 87(2)(b) were asked to step out of the vehicle; each of the men was then frisked. § 87(2)(b) described: “[Capt. Shea] patted my pockets and asked me to lift up my shirt and make a 360 degree turn.” The officers asked § 87(2)(b) and his friends questions about their evening plans while they conducted the frisks. After the frisks, the officers had the three men “lean against” the trunk of § 87(2)(b) car while a search of the vehicle was conducted. PO Stynes shone his flashlight into the backseat of the car and leaned into the car to search the front seat (*the officer’s feet remained on the street, but he leaned his torso into the vehicle*); the trunk was not searched. It was during this time that § 87(2)(b) phoned his wife and had her record the officers’ license plate number § 87(2)(e), § 87(2)(b).

After the vehicle search concluded, PO Stynes told § 87(2)(b) and his friends to “enjoy the rest of the night” and permitted them to re-enter § 87(2)(b) car and leave the location. § 87(2)(b) estimated that the interaction elapsed over fifteen minutes and approximated that they were outside of the car for five of those minutes.

Photo array session – § 87(2)(b)

With assistance from the NYPD’s Fleet Services Division and the CCRB/IAB Liaison’s Office, it was determined that the license plate number provided by § 87(2)(b), § 87(2)(e), § 87(2)(b) erred by one letter, as there is a white Chevrolet Caprice used by the NYPD with license number § 87(2)(e), § 87(2)(b). The vehicle is a “pool car,” meaning that it is not assigned to one particular command and instead is shared by various commands. Eventually it was determined that on August 8, 2003 members of the Patrol Borough Bronx Anti-Crime unit were using vehicle § 87(2)(e), § 87(2)(b).

After the Patrol Borough Bronx Anti-Crime team supervised by Capt. Dermot Shea was identified as possible subject officers, § 87(2)(b) viewed photographs of Capt. Shea, Sgt. Peter Fiorillo, Det. Jamie Joseph and PO Joseph Stynes. He stated that the officers appeared familiar, and commented as follows (*enc. 11a-f*):

PO Joseph Stynes:

“The PO had intensive interaction with the driver of the vehicle § 87(2)(b).

Capt. Dermot Shea:

“He was the officer who I had the interaction with. He’s the officer who asked me to exit the vehicle and also patted my pockets.”

Det. Jamie Joseph:

“He was basically questioning the passenger in the back seat (§ 87(2)(b)).

Sgt. Peter Fiorillo:

“I cannot recollect (his activity).”

Results of Investigation

§ 87(2)(b) and his friend, § 87(2)(b) who was the driver of the vehicle pulled over on August 8, 2003, were both interviewed in a timely fashion regarding this incident. As § 87(2)(b), § 87(2)(b) has spent much of the last year in Puerto Rico, he has not yet been interviewed regarding this incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Additional civilian interview – § 87(2)(b)

§ 87(2)(b) vehicle was pulled over soon after 11:00 PM on August 8, 2003. He estimated that he was driving approximately twenty miles-per-hour when he noted an unmarked car following him with turret lights activated. § 87(2)(b) pulled his vehicle near the corner of Southern Boulevard and Barretto Street. Four plainclothes White male officers exited an unmarked Chevrolet Caprice; two of the officers approached § 87(2)(b) vehicle at this time. A “chunky” White male officer with a goatee (*identified as PO Joseph Stynes*) approached the driver’s side and § 87(2)(b) while an officer with “light brown” hair (*identified as Capt. Dermot Shea*) approached the passenger side and § 87(2)(b).

PO Stynes notified § 87(2)(b) that he had been speeding, and also stated that he observed “paper” being thrown from the back seat of the vehicle. § 87(2)(b) commented that he had thrown the foil from a new package of cigarettes out of the window. PO Stynes then asked § 87(2)(b) “are you sipping?” to which § 87(2)(b) replied, “officer, I don’t know what you’re saying.” When PO Stynes indicated the word was street slang, § 87(2)(b) asserted that he was “not from the streets” which prompted the officer to ask if § 87(2)(b) was giving him a “hard time”; at PO Stynes’ request, § 87(2)(b) then exited his vehicle.

PO Stynes frisked § 87(2)(b) (he did not reach into any pockets); § 87(2)(b) recalled PO Stynes asking him about a tube of chapstick and a “wad of money” that could be felt through his front right pocket. PO Stynes requested that § 87(2)(b) and § 87(2)(b) exit the vehicle: both complied. § 87(2)(b) and § 87(2)(b) (later) notified § 87(2)(b) that they too, had been frisked at the scene. While § 87(2)(b) stood with his palms placed against his car, PO Stynes – without permission – began to search the car. PO Stynes asked § 87(2)(b) about a small gym bag that was on the floor of the car, querying, “you’ve got nothing illegal in there?” § 87(2)(b) told PO Stynes that nothing illegal was in the bag and gave him permission to search the bag by stating, “you wanna check – check.” PO Stynes did not search the bag.

PO Stynes asked § 87(2)(b) why he was nervous, prompting § 87(2)(b) to indicate that he had “never been stopped [by police officers] before.” PO Stynes also asked § 87(2)(b) about a PBA card that the officer found during his search of the vehicle. After PO Stynes concluded his search of the vehicle, he requested that § 87(2)(b) “turn around” to face the officer and “walk backwards” – § 87(2)(b) complied. PO Stynes then asked, “can I check in the trunk of your car?” to which § 87(2)(b) replied, “do you have a warrant?” PO Stynes stated, “I’m asking the questions, can I check in the trunk?” § 87(2)(b) told the officer, “no problem – open the trunk,” but PO Stynes did not open or search the trunk.

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) were all made to sit on the back bumper of § 87(2)(b) vehicle. PO Stynes asked both § 87(2)(b) and § 87(2)(b) for identification and, after it was provided, he asked § 87(2)(b) about working for the NYC court system. Capt. Shea was “pretty quiet” during this time. § 87(2)(b)

§ 87(2)(b) PO Stynes walked to his vehicle while still in possession of the identification provided by all three men. After approximately ten minutes PO Stynes returned the § 87(2)(b) car, returned each man’s identification and requested that they re-enter the car. PO Stynes told § 87(2)(b) “you know what, I’m not going to give you a ticket.” When § 87(2)(b) suggested, “you said I was speeding, you’re not going to give me a ticket?” PO Stynes replied, “you know what guys, just put your seat-belt[s] on and be careful.” § 87(2)(b) then left the location after what he estimated to be a thirty-minute interaction.

§ 87(2)(b) described that the officers’ behavior deescalated throughout the incident, moving from “aggressive” to “calmed down.” He recalled being both “embarrassed and nervous” about the incident. § 87(2)(b) agreed to file a complaint regarding the incident on behalf of both of them.

Photo array session – § 87(2)(b)

In viewing large photographs of the four Patrol Borough Bronx Anti-Crime officers, § 87(2)(b) stated that he did not remember Sgt. Fiorillo and Det. Joseph. He did recall interacting with PO Stynes and Capt. Shea, and commented as follows (*enc. 13a-f*):

PO Stynes:

“1st officer, approach[ed] driver § 87(2)(b).” § 87(2)(b) confirmed that PO Stynes was the officer who requested his license and registration, frisked him and later searched his vehicle.

Capt. Shea:

“Approach[ed] § 87(2)(b) ask[ed] questions [about] Mexico.” § 87(2)(b) recalled Capt. Shea asking these questions towards the conclusion of the incident.

Relevant police documents and officer identification:

While § 87(2)(b) did not request or obtain the names of the officers who stopped § 87(2)(b) car on August 8, 2003, he did phone his wife who recorded the license plate of the officers' White Chevrolet Caprice as § 87(2)(e), § 87(2)(f). This plate number is incorrect as it belongs to a civilian-owned red vehicle. Working through various commands including the NYPD's Fleet Services division, six months elapsed before a positive identification of the car in question (*see investigative actions, enc. 26a-g*). During this time, the NYPD Management Information System Division, NYS Police Superintendent's Office and the Department of Criminal Justice's "EJustice" computer database manager were contacted. It was eventually determined that neither database had record of a warrant or DMV (computer) check being run on § 87(2)(b) or § 87(2)(b) within one week of the date in question.

In February 2004 the CCRB received a positive identification for the officers' White Chevrolet Caprice: the license plate § 87(2)(e), § 87(2)(f) belongs to "department auto § 87(2)(b)" which is a "pool car," meaning that it is shared by a number of commands. It was then determined that on August 8, 2003 the vehicle was used by the following officers from the Patrol Borough Bronx Anti-Crime unit: Sgt. Peter Fiorillo, Det. Jaime and PO Joseph Stynes. It was not until Sgt. Fiorillo's CCRB interview (a process that took an additional five months to schedule, as his command was in the process of moving and notifications were not being processed properly) that Capt. Shea was identified as a member of the team.

Capt. Shea, Sgt. Fiorillo and PO Stynes were each interviewed regarding this incident. Det. Juan Jaime was not interviewed due to his retirement from the NYPD effective July 15, 2004.

Officer interviews:

Captain Dermot Shea:

Capt. Shea was unable to recall the following details about his activity on August 8, 2003: the hours he worked, whether he was in uniform, his partners and his duties during the tour. Generally speaking, Capt. Shea supervises "three units in the Bronx: the anti-crime unit, the evidence collection team and the auto larceny unit" between the hours of 5:00 PM and 1:00 AM. Capt. Shea stated that he has gone on patrol with Sgt. Fiorillo and PO Stynes on occasion, however he had no recollection of having been active alongside Det. Jaime. When shown a copy of Sgt. Fiorillo's memo book, which indicates that the sergeant was working with a four-officer team also consisting of Capt. Shea, Det. Jaime and PO Stynes, the captain stated that such an entry does not explicitly establish that he was acting as a member of this team throughout the entirety of his tour.

When the details of § 87(2)(b) § 87(2)(b)' narratives were relayed to Capt. Shea (where the vehicle was stopped, the use of the term "sipping/zippering," the frisks, the vehicle search), Capt. Shea maintained that he had no recollection of having participated in such a vehicle stop. He did not recognize photographs of either § 87(2)(b) or § 87(2)(b). Capt. Shea confirmed that, based on the narrative, the stop warranted the preparation of three stop-and-frisk reports. He also confirmed that, based on the team recorded in Sgt. Fiorillo's memo book, he would have been the supervising officer on the team.

When § 87(2)(b) photo array identifications were discussed with Capt. Shea, the captain took particular issue with § 87(2)(b) suggestion that it was Sgt. Fiorillo who remained alongside auto § 87(2)(b) while the remainder of the team interacted with the civilians. Capt. Shea stated that based on rank and seniority, Sgt. Fiorillo would have approached § 87(2)(b) vehicle, and he (Capt. Shea) would have remained with the team's unmarked car. Capt. Shea stated that it "would be very out of the ordinary" for him to have participated in the vehicle stop while a sergeant remained alongside the officers' vehicle.

Sergeant Peter Fiorillo:

On August 8, 2003, Sgt. Peter Fiorillo was working as a member of a four-officer Bronx Anti-Crime (plainclothes) team consisting of himself, Capt. Dermot Shea, Det. Juan Jaime and PO Joseph Stynes. Sgt. Fiorillo was active between the hours of 5:15 PM and 2:12 AM and was the recorder of department auto § 87(2)(b), a White Chevy Caprice. PO Stynes was the vehicle's operator. The team was active within the confines of the 42nd Precinct. Sgt. Fiorillo had no memo book entries at or around 11:15 PM. Further, he had no independent recollection of stopping § 87(2)(b) vehicle or interacting with § 87(2)(b) § 87(2)(b) or § 87(2)(b).

Sgt. Fiorillo stated that making vehicle stops is routine during anti-crime patrol. When certain details of both § 87(2)(b) and § 87(2)(b) statements were relayed to Sgt. Fiorillo, the sergeant maintained that he did not recall having interacted with any of the three males. Sgt. Fiorillo stated that he

had never heard of, or used either the term “zipping” or “sipping.” Based on the details of the alleged car stop as provided by § 87(2)(b) and § 87(2)(b) the sergeant testified that such chronology should have resulted in the preparation of three stop and frisk reports. He stated, “yes, if we would have frisked them, there would have been one done. Again, I don’t remember stopping these [males] in the photos that you’re showing me.” Sgt. Fiorillo stated that had such paperwork been prepared, notation of such “should appear in [his] memo book”: his memo book contains no such notation.

Police Officer Joseph Stynes:

PO Stynes was the operator of his team’s White Chevy Caprice on the date of incident. He had no memo book entries made at or around 11:15 PM and he did not have any notation of having prepared any stop and frisk reports on August 8, 2003. PO Stynes had no recollection of having stopped § 87(2)(b) vehicle nor did he recognize photographs of § 87(2)(b) and § 87(2)(b) as familiar. PO Stynes stated that he does not know what either the term “zipping” or “sipping” means, nor would he have used either term. When the details of § 87(2)(b) narrative were relayed to PO Stynes, he stated that the situation (as described) warranted stop and frisk reports. PO Stynes stated that making car stops is a part of routine patrol during anti-crime activity; he stated that he did not recall having stopped a car with three male Hispanic occupants on August 8, 2003.

Criminal conviction history of § 87(2)(b)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CCRB history of subject officers:

Captain Dermot Shea: With thirteen years as an NYPD officer, Capt. Shea has never before been the subject of a CCRB investigation.

Police Officer Joseph Stynes: With seven years as an NYPD officer, PO Stynes has had no CCRB allegations substantiated against him. As of the date of this report, he has five pending CCRB allegations concerning complaints numbered 200404864 and 200405515: these cases including allegations of force, threat of force, discourtesy and offensive language.

§ 87(2)(g)

Conclusions and Recommendations

There is no paperwork to explicitly confirm that it was the Patrol Borough Bronx Anti-Crime team consisting of Capt. Shea, Sgt. Fiorillo, Det. Jaime and PO Stynes that stopped § 87(2)(b) vehicle on August 8, 2003. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) each described the officer’s vehicle as a White Chevrolet Caprice; § 87(2)(b) had documented that the vehicle’s license plate was § 87(2)(e), § 87(2)(f) § 87(2)(b), § 87(2)(g)

The officer descriptions provided by § 87(2)(b) and § 87(2)(b) were nearly identical, and, during their respective photo array sessions, both identified Capt. Shea and PO Stynes as having been instrumental in the vehicle stop.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation a: Captain Dermot Shea stopped § 87(2)(b) vehicle.

§ 87(2)(b), § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) described that PO Stynes initially approached the vehicle and informed § 87(2)(b) that he was driving at an excessive speed. PO Stynes is to have followed this by asking if the men were either “sipping” or “zipping” (*a slang police term for ingesting or consuming narcotics*). PO Stynes also commented that he had seen something “tossed” out of a car window, at which point § 87(2)(b) confirmed that he had thrown a small amount of litter from the backseat of the vehicle. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

In his discussion of New York State search and seizure law, Barry Kamins addresses the propriety of various vehicle stops. He states that “there are two groups of Vehicle and Traffic Law violations which will justify the stop of a vehicle”; an officer’s observation of a motorist driving at an excessive speed falls within the second such group (*enc. 2b*). Kamins’ discussion continues, “it should be noted that the fact that the police do not issue a summons for a violation of the Vehicle and Traffic Law does not invalidate the stop” (*enc. 2e*). § 87(2)(b), § 87(2)(g)

§ 87(2)(b) fervently denies that he was speeding before he was pulled over on Southern Boulevard. Further, while § 87(2)(b) is to have admitted to littering prior to the vehicle stop, § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were insistent that they were pulled over based on the officers’ racially profiling Hispanics. Support for such a claim reasons as follows: all three occupants were then required to produce photo identification and § 87(2)(b) was also asked to provide his vehicle registration. § 87(2)(b) provided his § 87(2)(b) photo-identification, § 87(2)(b) was in possession of a PBA card in addition to his driver’s license and § 87(2)(b) s identification reflected the fact that he is § 87(2)(b). According to both § 87(2)(b) and § 87(2)(b) the officers asked all three men very specific questions about their various professions (and connections to the NYPD) after reviewing the three separate identifications. § 87(2)(b) expressed § 87(2)(g), that it was the types of professional identification provided by he and his friends that ultimately resulted in § 87(2)(b) not having been issued a summons.

There is no evidence that any sort of warrant or DMV check was completed on the names “§ 87(2)(b) § 87(2)(b)” or § 87(2)(b) or their respective dates of birth, on August 8, 2003. § 87(2)(b), § 87(2)(g)

§ 87(2)(g) In his CCRB interview Capt. Shea stated that during a typical vehicle stop, when photo identification is obtained from civilians, computer checks are often run on the civilian's name or date of birth. He also stated that a warrant check might be completed, or a simple check to confirm the authenticity of the identifications. Again, according to both the Police Superintendent's Office and the Department of Criminal Justice's "Ejustice" database, no checks were completed regarding § 87(2)(b) or § 87(2)(b).

The above information shapes into the following: PO Stynes told § 87(2)(b) that he was being stopped for speeding, but no speeding ticket was issued. All three occupants of § 87(2)(b) car provided their identifications which were reviewed by the officers and returned at the end of the incident, however no DMV or warrant checks were run on the civilians. Further, and as will be discussed later at length, § 87(2)(b), § 87(2)(b) and § 87(2)(b) were each frisked and § 87(2)(b) vehicle was searched, however none of the required paperwork (stop and frisk reports) was prepared. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation b: Police Officer Joseph Stynes frisked § 87(2)(b)

Allegation c: Captain Dermot Shea frisked § 87(2)(b)

Allegation d: Detective Juan Jaime frisked § 87(2)(b)

During their photo array statements, both § 87(2)(b) and § 87(2)(b) identified that it was PO Stynes who dealt with § 87(2)(b) during the vehicle stop (*enc. 11a-f and 13a-f respectively*). § 87(2)(b) identified Capt. Shea as having dealt primarily with him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that it was Det. Jaime who interacted with § 87(2)(b); § 87(2)(b) did not confirm or dispute this identification, as he did not recognize Det. Jaime's photograph. Notably, neither § 87(2)(b) nor § 87(2)(b) recognized Sgt. Fiorillo. § 87(2)(g)

Both § 87(2)(b) and § 87(2)(b) described that after they were asked to step out of the vehicle, they were "patted down" by the officers identified as PO Stynes and Capt. Shea respectively. Neither officer is reported to have searched inside of either man's clothing. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

In his discussion of frisks following vehicle stops, Kamins posits, "an officer...is not permitted to frisk the driver or other occupants of a car unless he has a **reasonable basis** for suspecting that the individual is armed and may be dangerous" (*enc. 2g*). § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Neither § 87(2)(b) nor § 87(2)(b) described the officers as having commented and queried about whether any of the men were carrying weapons. Instead, both § 87(2)(b) and § 87(2)(b) stated that they were asked to step out of the vehicle without explanation as to why. § 87(2)(b) recalled exiting the car after he provided his identification, whereas § 87(2)(b) stated that their identifications were requested after they were standing outside of the vehicle. § 87(2)(g) neither man recalled the officers making mention of their suspicion that one of the occupants might be in possession of a weapon.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation e: Captain Dermot Shea supervised the search of § 87(2)(b) vehicle.

According to § 87(2)(b) CCRB statement, Capt. Shea searched § 87(2)(b) vehicle by “leaning into” the car and shining his flashlight about its interior. § 87(2)(b) acknowledged that he observed this while he was on his cellular phone, speaking to his wife (requesting that she copy down the license plate number of the officer’s vehicle). § 87(2)(b) stated, both during his CCRB interview and later during his photo array session, that it was PO Stynes who searched the vehicle. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) account of PO Stynes’ search was detailed, highlighting that PO Stynes found a PBA card while he searched the car²; the two then discussed the officer who gave § 87(2)(b) the card. § 87(2)(b), who was standing with his palms pressed against the driver’s side of his car during the search, recalled PO Stynes asking him what he kept in a small gym bag located on the floor of the vehicle. § 87(2)(b) told the officer that he kept “books, a radio and CDs” inside of the bag and watched as the officer searched behind the driver’s side sun-visor. PO Stynes questioned “are you sure? You’ve got nothing illegal in there?” – despite § 87(2)(b) suggesting that the officer “check” the bag, PO Stynes did not search the bag. A similar exchange occurred during discussion about whether the trunk of the vehicle would be searched: despite § 87(2)(b) telling the officer that he could search the trunk, PO Stynes did not open or search the trunk.

§ 87(2)(b), § 87(2)(g)

² § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

[Redacted text block]

§ 87(2)(b), § 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

§ 87(4-b), § 87(2)(g)

[Redacted text block]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

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